

REMARKS

Claims 1-24 were pending when last examined. All pending claims are shown in the detailed listing above.

Claim Rejections – 35 USC § 103

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler (US Patent No. 6,584,493) in view of Tang et al. (US Patent No. 6,349,327). Applicants respectfully traverse.

In Applicants' Response filed on August 27, 2004, the Applicants pointed out that the various portions of Butler or Tang et al. cited by the Examiner do not disclose or teach the elements of the claims as argued by the Examiner.

In the Office Action dated November 30, 2004, the Examiner asserted in the section entitled "Response to Arguments" that "Applicant's arguments filed September 10, 2004 have been fully considered but they are not persuasive." According to the Examiner, "The references in fact teach the features of the claim." Applicants respectfully disagree.

In the Examiner's "Response to Arguments," the Examiner is not able to specifically identify a respective item in the cited references for each of the separate limitations recited in the claims. Instead, the Examiner points to the same item in the cited references as being more than one claimed limitation.

For example, Applicants' Claim 1 includes *inter alia*, "associating a respective management process with each of said plurality of logical processes, said logical processes configured so that each said logical process is capable of communicating with every other said logical process through said respective management process" and "monitoring said respective management processes with a single supervisor process." Applicants respectfully note that in Claim 1 the "management process" is distinct from the step of "monitoring said

respective management processes.” The Examiner’s assertions completely miss this distinction.

In particular, the Examiner states: “In Tang, the logical process and associating a respective management process are shown in by the encounter proxy object which provides application monitoring functions and distributing the applications through the network as necessary (see column 13, lines 43-67). The encounter proxy object associates management processes with the logical processes by monitoring applications, which is a management process, and then distributing the applications, which is a logical process.” As such, the Examiner is asserting that “monitoring applications” by the “encounter proxy object” in Tang et al. is a “management process” as recited in Applicants’ Claim 1.

The Examiner also states: “The claimed feature of the single supervisor process is taught by the encounter proxy in Tang. The encounter proxy object teaches the supervisor process because it performs management tasks in the system. The encounter process monitors the applications and checks for even distribution between the applications.” Here, the Examiner seems to suggest that “monitoring the applications” by the “encounter proxy object” in Tang et al. is the step of “monitoring said respective management processes with a single supervisor process” as recited in Applicants’ Claim 1.

So which is it? More specifically, is “monitoring applications” disclosed in Tang et al. the “management process” as recited in Claim 1, or is it “monitoring said respective management processes” as also recited in Claim 1? Tang et al.’s “monitoring applications” cannot be both. If “monitoring applications” is the former limitation of Claim 1, then Tang et al. does not disclose or teach the step of “monitoring said respective management processes” recited in Claim 1. If “monitoring applications” is the latter limitation of Claim 1, then Tang et al. does not disclose or teach the “management process” recited in Claim 1.

Thus, all of the limitations of Applicants’ Claim 1 are not disclosed, taught, or suggested by the cited references. Furthermore, all of the other pending claims—i.e., Claims

2 through 24—include the same limitations. Accordingly, the cited references do not make obvious Applicants' claims.

For at least the reasons set forth above, Applicants respectfully request the Examiner to withdraw the rejection of Claims 1-24 under 35 U.S.C. § 103(a) and to allow these claims.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7428.

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